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STATE DOCUMENTS

ANNUAL REPORT

OF THE

DEPARTMENT OF JUSTICE

TO THE

GOVERNOR OF MONTANA

HONORABLE THOMAS L. JUDGE

FOR THE

FISCAL YEAR ENDED

JUNE 30, 1974

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State of Montana
Office of The Attorney General
Helena 59601

ROBERT L. WOODAHL
ATTORNEY GENERAL

October 15, 1974

Honorable Thomas L. Judge
Governor, State of Montana
State Capitol
Helena, Montana 59601

Dear Governor Judge:

In accordance with the requirements of sections 82-401 and 82-4002, Revised Codes of Montana, 1947, and with the provisions of the Office of Budget and Program Planning Management Memo 1-74-10, there is herewith transmitted to you the report of the Office of the Attorney General and the Department of Justice covering the fiscal year ended June 30, 1974.

This report contains information relative to all programs within the Department of Justice as created by the Executive Reorganization Act of 1971. The goals, objectives and evaluations of each program are discussed in the report.

The docket books maintained by my office are, as always, open for your inspection.

Very truly yours,

ROBERT L. WOODAHL
Attorney General

RLW:jm

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BOARD OF CRIME CONTROL

MEMBERS

Gordon Browder, Ph.D., Chairman
2309 Cloverdale Drive
Missoula, Montana

Arthur W. Ayers
524 North Hauser
Red Lodge, Montana

Tom Beers
2846 Sundown Road
Helena, Montana

Donald E. Bjertness
1912 Howard Avenue
Billings, Montana

Ludvig Browman
664 South 6th East
Missoula, Montana

Roger W. Crist
Montana State Prison
Deer Lodge, Montana

Gerald Dunbar
1112 15th West
Billings, Montana

John Fisher
118 Oak
Libby, Montana

Hon. Frank Hazelbaker
420 South California
Dillon, Montana

Robert McKay
1116 Billings Avenue
Helena, Montana

Mike Micone
1232 West Granite
Butte, Montana

John Pfaff, Jr., M.D.
637 Carol Drive
Great Falls, Montana

Leslie Ann Smith
General Delivery
East Glacier, Montana

Hon. James Sorte
Wolf Point
Montana

John Thomas
128 Fairway Drive
Helena, Montana

LAW ENFORCEMENT ADVISORY COUNCIL MEMBERS

Sheriff John C. Moe
Missoula County Sheriff's Office
Missoula, Montana 59801

Sheriff Curt Snyder
Flathead County Sheriff's Office
Kalispell, Montana 59901

Sheriff Dean S. Betzer
Yellowstone County Sheriff's Office
Billings, Montana 59101

Chief Bob Johnson
Bozeman Police Department
Bozeman, Montana 59715

Chief Jack Anderson
Great Falls Police Department
Great Falls, Montana 59401

Mr. Ronald Alles
Billings Police Department
Billings, Montana 59101

Mr. Robert W. Evans
Federal Bureau of Investigation
Federal Building
Butte, Montana 59701

Mr. Rae V. Kalbfleisch
Toole County Attorney
Office of the County Attorney
Shelby, Montana 59474

Honorable Alfred B. Coate
District Judge of the
Sixteenth Judicial District
Chambers, Courthouse
Forsyth, Montana 59327

Mr. George J. Brabb
4003 Heritage Way
Missoula, Montana 59801

LAW ENFORCEMENT
ADVISORY COUNCIL MEMBERS (continued)

Dean Robert Sullivan
University of Montana
School of Law
Missoula, Montana 59801

Rev. George A. Harper
505 Logan
Helena, Montana 59601

John Pfaff, Jr., M.D.
1601 Second Avenue North
Great Falls, Montana 59401

PRINCIPAL OFFICERS AND OFFICES

Department of Justice

Principal Officers

ATTORNEY GENERAL	Robert L. Woodahl
Legal Services Division	
Chief Deputy Attorney General	John P. Atkins
Deputy Attorney General - Criminal	J. C. Weingartner
Motor Vehicle Division	
Highway Patrol Bureau, Chief	Robert H. McKay
Registrar's Bureau, Chief	Malcolm MacCalman
Investigation, Communication and Identification Division	
Administrator	Alex B. Stephenson
Central Service Division	
Administrator	Robert C. Kuchenbrod
Executive Assistant to Attorney General	Jerry L. Agen
Executive Secretary	Janet Capaldi

Principal Offices

State Capitol	Helena, Montana
1437 Helena Avenue	Helena, Montana
1014 National Avenue	Helena, Montana
925 Main	Deer Lodge, Montana
Suite 115, Wilma Building	Missoula, Montana
300 Colter Hall, Montana State University	Bozeman, Montana

ATTACHED FOR ADMINISTRATIVE PURPOSES ONLY:

Crime Control Division

Director	Brinton B. Markle
Deputy Director	Michael A. Lavin

Principal Office

1336 Helena Avenue	Helena, Montana

LEGAL REFERENCES

The Department of Justice, formerly the Department of Law Enforcement and Public Safety, is primarily contained in the following statutes as they relate to the operations of the department.

1947 Revised Codes of Montana

Title 31, Chapter 1 - Montana Highway Patrol
Title 32, Chapter 12 - Montana Highway Patrol
Title 53, Chapter 1 - Registrar of Motor Vheicles
Title 75, Chapter 52 - Law Enforcement Advisory Council
Title 80, Chapter 20 - Identification Bureau
Title 82, Chapter 4 - Criminal Investigation Bureau
Title 82, Chapter 4 - Legal Services
Title 82, Chapter 12 - Fire Marshal
Title 82, Chapter 39 - Law Enforcement Teletype System
Title 91, Chapter 5 - Escheated Estates
Title 98, Chapter 31 - Registering Machine Guns

The Executive Reorganization Act of 1971, Title 82A, Chapter 12, created the Department of Law Enforcement and Public Safety. Chapter 250, Laws of 1973, substituted "justice" for "law enforcement and public safety" throughout the section. Chapter 211, Laws of 1973, transferred the State Building Code Council to the Department of Administration. Title 82A-1607 transferred the electrical inspections and code making functions of the department to the Department of Professional Occupational Licensing. The Crime Control Commission by Executive Order Number 3723, dated August 23, 1968 and Section 82A-1207, R.C.M. 1947 was transferred to the Department of Justice for administrative purposes only.

MAJOR RESPONSIBILITIES

To represent the public interest in legal matters, both civil and criminal, and protect Montana citizens through the execution of specific programs designed for public safety.

MAJOR ACCOMPLISHMENTS

In cooperation with the University of Montana School of Law and Montana's county attorneys a summer legal intern program was established. This past summer 21 law students received outstanding on the job training in various county attorney offices throughout the state.

The Law Enforcement Academy was made available to the Montana Highway Patrol for a 10 week Highway Patrol Recruit School and to the Department of Fish and Game for a Game Warden Training School. Utilization of Law Enforcement Academy Bureau facilities and personnel results in high quality training and substantial savings to the State of Montana.

Centralized many of the formerly scattered financial functions of the department allowing for expanding services without additional personnel.

In Fiscal Year 1974 the Attorney General issued 73 official opinions to various state and county officials and state agencies. This figure is compared to 30 official opinions issued by the Attorney General in Fiscal Year 1973, an increase of 143%.

PROGRAM INVENTORY AND COST ANALYSIS SUMMARY

	F.Y. 1974	F.Y. 1973	Increase Decrease
SUMMARY BY PROGRAM			
Department of Justice			
Legal Service Division			
Legal Service Program	$ 269,508	$ 230,614	$ 38,894
Escheated Estates Program	14,655	14,518	137
County Attorney Training Coordinator Program	14,998	-	14,998
	299,161	245,132	54,029
Highway Patrol Bureau			
Patrol Operations Program	391,624	336,913	54,711
Driver Licensing Program	921,901	772,678	149,223
Field Services Program	3,138,928	2,360,345	778,583
Commercial Vehicle Regulation Program	297,474	215,487	82,007
	4,749,947	3,685,423	*1,064,524
Registrar of Motor Vehicles Bureau			
Vehicle Registration Program	663,895	561,927	101,968
Investigation, Communication and Identification Division			
Administration Program	10,031	7,237	2,794
Criminal Investigation Program	86,831	89,796	(2,965)
Law Enforcement Teletypewriter Communications Program	270,521	263,536	6,985
Law Enforcement Academy Program	218,357	183,679	34,678
Fire Marshal Program	131,744	95,173	36,571
Criminal Investigation Program	36,701	4,381	32,320
Law Enforcement Advisory Council Program	521	868	(347)
	754,706	644,670	110,036
Central Service Division			
Administration	55,463	32,268	23,195
Crime Control Division			
Crime Control Commission Program	579,122	532,270	46,852
Action Grant Program	1,973,126	1,927,351	45,775
	2,552,248	2,459,621	92,627
TOTAL PROGRAMS	$9,075,420	$7,629,041	$1,446,379

*In Fiscal Year 1974 the Highway Patrol Bureau added 22 new patrolmen to their force and purchased 240 new cars.

PROGRAM INVENTORY AND COST ANALYSIS SUMMARY

	F.Y. 1974	F.Y. 1973	Increase Decrease
SUMMARY BY OBJECT			
Personal Services	$4,408,128	$3,674,936	$ 733,192
Operating Expenses	1,990,622	1,623,477	367,145
Equipment	703,250	402,333	300,917
Total Operating Costs	7,102,000	5,700,746	1,401,254
Capitol Outlay	294	942	(648)
Grants	1,973,126	1,927,353	45,773
Total Objects	$9,075,420	$7,629,041	$1,446,379
SUMMARY BY FUNDING			
General Fund	$2,869,087	$2,120,954	$ 748,133
Earmarked Revenue Fund	3,207,524	2,643,555	563,969
Federal and Private Revenue Fund	1,076,782	1,031,706	45,076
Federal and Private Grant Clearance Fund	1,873,126	1,787,353	85,773
Revolving Fund	48,901	45,473	3,428
Total Funding	$9,075,420	$7,629,041	$1,446,379

LEGAL SERVICE DIVISION

LEGAL SERVICE PROGRAM

Goal. Protect the rights of the State of Montana and its citizens in legal matters.

Objectives. Provide formal and informal legal advice and representation to state agencies.

Represent the interests of the State of Montana in criminal appeals proceedings.

Review all extradition papers for criminals outside the State of Montana prior to the actual extradition proceedings.

Evaluation. Provided legal representation and advice to various state agencies in both civil and criminal cases on appeal to the Montana Supreme Court.

Issued 73 official opinions to various state officials, county officials, and state agencies. This is an increase of 143% over Fiscal Year 1973.

Review over 180 extradition proceedings which is an increase of 29% over the proceedings reviewed last year.

Over 200 letter opinions, 4,000 individual complaints, and 1,100 form letters were handled by the staff in Fiscal Year 1974.

ESCHEATED ESTATES PROGRAM

Goal. Represent the state in cases involving money and property escheating to the state.

Objective. Protect the state's interest in money and property of deceased persons who have no legal heirs or have foreign heirs in countries with no reciprocal agreements with the United States.

Evaluation. Revenue received by Escheated Estates was deposited in the state school fund.

COUNTY ATTORNEY TRAINING COORDINATOR PROGRAM

Goal. Provide information service, training, research and technical assistance to Montana's county attorneys.

Objectives. Develop a comprehensive prosecutor training program.

Establish a county attorneys' brief bank whereby legal briefs and opinions will be available to all county attorneys.

Assist the University of Montana School of Law by coordinating a summer legal intern project with county attorneys.

Further communications among Montana's county attorneys.

Evaluation. Conducted a statewide seminar on gambling, approximately 250 people were in attendance.

Organized and indexed a brief bank for county attorneys. Twenty-five requests were responded to.

Placed law students in 21 county attorneys' offices for summer employment.

Began publishing a newsletter containing, among other items, reviews of important recent case laws for distribution to all county attorneys.

PATROL OPERATIONS PROGRAM

Goal. General administration of department finances, logistics, and supervision of personnel.

Objective. Plan, coordinate, and direct the efforts of the department to improve services to the citizens of the state.

Evaluation. Conducted public education programs in defensive driving, first aid, and school bus drivers seminars.

Spent 2,766 man hours on school bus inspections.

DRIVER LICENSING PROGRAM

Goal. Foster driver safety by assuring only qualified drivers are allowed to operate motor vehicles on Montana roads.

Objectives. Examine new applicants and individuals experiencing driving difficulties.

Maintain a complete records system containing each driver's history.

Issue renewal licenses for those who qualify.

Evaluation. Increased driver correction through the driver improvement program.

Suspended or revoked 5,769 driver licenses due to violation of Montana driving laws.

Driver's history records are now maintained and updated on a daily basis.

FIELD SERVICES PROGRAM

Goal. Move traffic on Montana highways as quickly and safely as possible through regulation and supervision of vehicular traffic.

Objective. Provide traffic patrol, accident investigation, mercy details, auto theft investigation, rescue details, subpoena service, vehicle inspection, livestock inspection, and enforcement of commercial vehicle regulations and traffic laws.

Evaluation. Increased personal contact with the motoring public through education and enforcement.

Increased patrol force by 22 patrolmen.

COMMERCIAL VEHICLE REGULATION PROGRAM

Goal. Protect the public's investment in the highway system and safeguard highway users by inspection and control of commercial vehicles.

Objective. Insure compliance with laws regulating commercial vehicle operations through enforcement of weight limit regulations, inspections, registrations, and fee collections.

Evaluation. Aided in the collection of fees related to commercial vehicle regulation and in the registration of commercial vehicles engaged in seasonal agricultural operations.

VEHICLE REGISTRATION PROGRAM

Goal. Provide current information and identification on all motor vehicles, snowmobiles, and boats through registration, titling, licensing, and recording liens.

Objectives. Expand cross reference capability.

Reduce time required to account for daily receipts.

Increase efficiency for filing liens.

Evaluation. Established cross reference files on 686,339 registration receipts by make of car vehicle identification number and alphabetically by last name of registered owner.

Revised accounting procedures reducing time required to account for daily receipts by half.

Revised procedures for receipts of lien filings reducing preparation time by half.

ADMINISTRATION PROGRAM

Goal. Insure that the efforts of the various bureaus are performing in the best interest of the public's safety and welfare.

Objective. Provide administrative assistance to the programs in the division.

Evaluation. Assisted all programs in maintaining a high quality of service output.

CRIMINAL INVESTIGATION PROGRAM

Goal. Provide investigatory and analytical assistance, when requested, to local, state and federal law enforcement agencies in felony cases.

Objectives. Provide special technical knowledge and aid in the investigation of felony crimes committed in Montana, upon request from local law enforcement agencies.

Aid the prosecution of felony offenses with expert witness testimony.

Provide laboratory analysis of substances from crime scenes and aid pathological work by identifying drugs or lethal substances in body fluids.

Evaluation. Received and analyzed 2308 samples, including drugs, poisonous substances, bloodstains, physical evidence and fire accelerants, from over 100 submitting agencies.

LAW ENFORCEMENT TELETYPEWRITER SYSTEM PROGRAM

Goal. Provide an integrated communications network to interconnect information sources and law enforcement agencies at all levels of the criminal justice system.

Objectives. Reduce to a minimum any interruptions in service.

Provide network service to all areas of the state.

Conduct regional training schools throughout the state.

Evaluation. Employed qualified personnel to maintain the system saving the state $200 per month over alternative forms of contracted maintenance.

Upgraded system to reduce traffic congestion and increased traffic load by 15%.

Conducted refresher training schools for teletype operators improving system usage.

Summary. System expansion is slow due to the lack of funds at the local level for monthly user fees.

LAW ENFORCEMENT ACADEMY PROGRAM

Goal. To enhance and improve the image of law enforcement in Montana through education and training.

Objectives. Provide uniform high quality training and education to law enforcement personnel.

Develop and obtain modern effective training aids and equipment to assist in professional methods of instruction.

Promote interest and understanding in law enforcement in the community.

LAW ENFORCEMENT ACADEMY PROGRAM (continued)

Evaluation. Made the Academy facilities and personnel available to the Montana Highway Patrol and the Department of Fish and Game for specialized schools resulting in substantial savings to the State of Montana.

Graduated 561 students from 25 schools in various phases of law enforcement.

Expanded basic school from 180 hours to 210 hours of instruction.

Conducted a special child molester-homicide school in response to public need.

Installed two electronic target systems to provide a new dimension in firearms training.

Hosted 115 Explorer Scouts and their advisors at the first annual exploring Law Enforcement Conference. Presented displays, demonstrations and talks by law enforcement personnel.

FIRE MARSHAL PROGRAM

Goal. Upgrade fire safety and investigation within the state to reduce loss of life and property.

Objectives. Motivate fire service people to report accurate and complete information on all fires.

Analyze report data for major causes of fire.

Train fire service and law enforcement personnel in fire investigation and arson detection.

Inspect storage facilities and transporting methods of liquid petroleum and ammonium nitrate for fire safety.

FIRE MARSHAL PROGRAM (continued)

Evaluation. Provide standard fire report forms to all fire service personnel.

Conducted 2 special schools in fire investigation and arson detection.

Inspected all flammable liquid storage plants. All of the most hazardous conditions have been corrected.

Promulgated rules for storage and transportation of flammable and explosive materials.

Ninety percent of some 1,000 schools were inspected with a number of hazardous conditions brought to the attention of the respective school boards.

CRIMINAL IDENTIFICATION PROGRAM

Goal. Maintain an updated criminal history information system on all individuals arrested for a felony in the State of Montana for distribution, upon request, to law enforcement agencies throughout the nation.

Objectives. Reduce reporting time on requests for information.

Provide timely information relative to the movement of habitual criminals.

Provide criminal history information to law enforcement agencies day and night.

Evaluation. Employed court certified fingerprint expert to minimize reporting time and improved credibility of reports.

Purged outdated records decreasing size of files by 25% allowing room for additional information on current files.

Cross-trained L.E.T.S. personnel into I.D. Bureau allowing access to the records twenty-four hours per day with no increase in staffing requirements.

LAW ENFORCEMENT ADVISORY COUNCIL PROGRAM

Goal. Assist the Attorney General in adopting law enforcement programs to promote the safety and welfare of the general public, and perform such other activities as may be necessary to comply with federal funding requirements.

Objective. Act in an advisory capacity by informing the Attorney General in all matters affecting federal, state, county, and city law enforcement agencies in criminal investigations, communication, and identification.

Evaluation. Evaluated priorities to be established in law enforcement throughout the State of Montana based on public need.

CENTRAL SERVICE DIVISION

ADMINISTRATION PROGRAM

Goal. Assure that the Department of Justice resources are applied to its statutory charges in an efficient, economical, and effective manner.

Objectives. Centralize those financial support functions that require the attention of a full time professional staff.

Coordinate and utilize money and personnel in the most efficient manner.

Provide ongoing assistance in the establishment of better fiscal and management practices.

Evaluation. Centralized many of the formerly scattered financial functions.

Began reviewing and submitting travel claims, purchase orders and personnel changes for the department.

Assisted all programs in formulating their 1975-77 executive budget and their Fiscal Year 1975 operational plans.

PLANNING PROGRAM

Goal. Develop and adopt an annual statewide comprehensive plan for the improvement of law enforcement based upon an examination of state and local problems.

Objective. Sustain and improve capabilities to provide comprehensive technical assistance to the criminal justice system by employing a professional staff to analyze and evaluate the total operations of the police, the court, the correctional, and juvenile systems.

Evaluation. Completed four major studies: on gambling; court sentencing; probation, parole, and corrections; and a study on private security.

Developed the Montana Youth Act which was made law by the last legislature.

Developed and implemented a user assistance manual for small department records systems, now being used by 43 departments.

Developed 5 procedural guides for financial and grant administration and grant application.

ACTION PROGRAM

Goal. To prevent and reduce crime by providing comprehensive financial and technical assistance to all levels of the criminal justice system.

Objective. To bring about a significant reduction in all types of criminal activity through prevention efforts, more effective methods of detection and apprehension of criminals, and swift and impartial dispensation of justice. Also aid in the reduction of recidivism through rehabilitation.

ACTION PROGRAM (continued)

Evaluation. Financing was provided for approximately 720 individuals to receive training in various types of criminal justice, a 20% increase over Fiscal Year 1973.

Funds were made available, in various agencies in the criminal justice system, for approximately 37 fulltime employees.

Local impact programs were responsible for the reduction of certain types of crimes; burglary in Helena down 35%, livestock theft down 53%, drug abuse apprehension and detection up 15% in Missoula area.

Funds were made available to open a new juvenile attention home facility.